



IFW

PATENT
Docket No. 4386-7004US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Orton et al.
Serial No.: 10/648,471 Group Art Unit: 2124
Filed: August 27, 2003 Examiner: John Chavis
For: OBJECT-ORIENTED OPERATING SYSTEM

**COMMUNICATION REQUESTING WITHDRAWAL OF FEB. 18, 2005 OFFICE
ACTION AND ISSUANCE OF NEW OFFICE ACTION BASED ON PENDING CLAIMS**

Attn: Examiner John Chavis
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

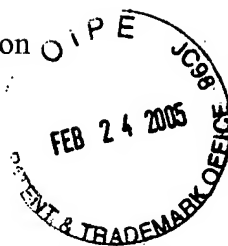
Applicant's are in receipt of the non-final Office Action mailed February 18, 2005 wherein the Office Action Summary noted claims 1-9 were pending in the application. The Examiner's rejections were drawn to claims 1-9. For the Examiner's convenience, a copy of the February 18, 2005 Office Action is included with the filing of this paper.

On August 27, 2003 Applicant's filed the above noted Continuation Application, along with a Preliminary Amendment in which claims 1-9 were cancelled and new claims 10-111 were added. Upon checking of the USPTO's PAIR system, this Preliminary Amendment has been received. A copy of the PAIR printout is included, showing the August 27, 2003 entry of the Preliminary Amendment.

Applicant's respectfully request the Examiner to withdraw the newly issued non-final Office Action mailed February 18, 2005, and issue a new Action based upon the examination of pending claims 10-111.

Communication Re: Issuance of New Office Action
USSN 10/648,471

Docket No. 4386-7004US1



AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for entry of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4386-7004US1.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2005

By: _____

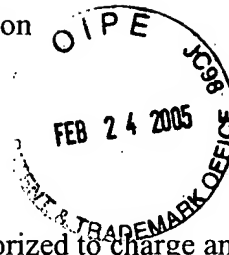
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Communication Re: Issuance of New Office Action
USSN 10/648,471

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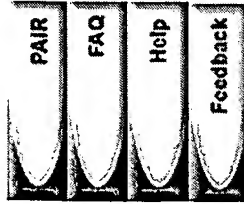


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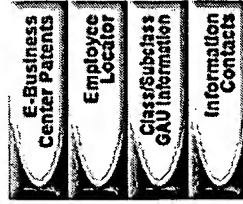


Image File Wrapper for Application No.: 10/648,471

NEW

Changes to IFW Download - Updated: 11/30/2004

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category	Page Count	All	None	Download
02/18/2005	List of references cited by Examiner	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02/18/2005	Non-Final Rejection	PROSECUTION	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02/18/2005	Claims recorded on File Wrapper	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
02/18/2005	Search info on File Wrapper	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
01/25/2005	Miscellaneous Incoming Letter	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
01/07/2004	Abstract	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
01/07/2004	Claim	PROSECUTION	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
01/07/2004	Specification	PROSECUTION	55	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12/03/2003	Pre-Exam Formalities Notice	PROSECUTION	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
09/11/2003	Rescind Nonpublication Request for Pre Grant Publication	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08/27/2003	Drawings	PROSECUTION	16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08/27/2003	Transmittal of New Application	PROSECUTION	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08/27/2003	Authorization from Applicant to Treat All Replies as Incorporating an Extension of Time	PROSECUTION	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08/27/2003	Specification	PROSECUTION	55	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

08/27/2003	<u>Claim</u>		PROSECUTION	5	<input type="checkbox"/>
08/27/2003	<u>Abstract</u>		PROSECUTION	1	<input type="checkbox"/>
08/27/2003	<u>Oath or Declaration filed</u>		PROSECUTION	3	<input type="checkbox"/>
08/27/2003	<u>Specification</u>		PROSECUTION	1	<input type="checkbox"/>
08/27/2003	<u>Applicant Arguments or Remarks Made in an Amendment</u>		PROSECUTION	1	<input type="checkbox"/>
08/27/2003	<u>Fee Worksheet (PTO-875)</u>		PROSECUTION	1	<input type="checkbox"/>
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08/27/2003	<u>Information Disclosure Statement</u>		PROSECUTION	8	<input type="checkbox"/>
08/27/2003	<u>Claim</u>		PROSECUTION	34	<input type="checkbox"/>
08/27/2003	<u>Preliminary Amendment</u>		PROSECUTION	1	<input type="checkbox"/>

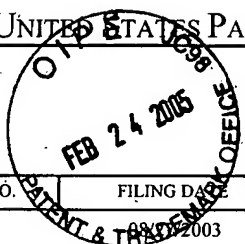
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,471	02/18/2005	Debra Lyn Orton	4386-7004US1	4718

27123 7590 02/18/2005
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

CHAVIS, JOHN Q

ART UNIT PAPER NUMBER

2124

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

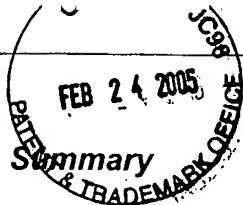
4386-7004 US1 JEH
4386-7004 US1 JEH
Reply Date 8-15-05
By Am

Feb 22 11:55
M & F FINNEGAN LLP

REVIEWED BY AUDIT DEPT.

DATE 2/23 BY [Signature]

Office Action Summary



Application No.

10/648,471

Applicant(s)

ORTON ET AL.

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/27/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by Orton et al. (5,379,432).

What is claimed is:

1. A computer implemented method of enabling an object-oriented application to access in an object-oriented (OO) manner a Procedural operating system (OS) having a native procedural interface during run-time execution of the application (Appl.) in a computer having a memory component, the method comprising the steps of:

(a) locating in the application an object-oriented statement which accesses a service provided by the operating system;

(b) translating the object-oriented statement to a procedural function call compatible with the native procedural interface or the operating system and corresponding to the object-oriented

Orton ('432)

The only differences in the claims is the semantics. For example, the present claims indicate that OO Appls. access a procedural OS having a native interface; while, 432 indicates that OO Appls. interface procedural OS's. The overall functionality is considered the same and therefore covering the same invention as claim 1.

See item (a) of claim 1.

See item (b) of claim 1. Here again the only difference is considered that the applicant translates compatible with the native procedural interface; while, in '432 the translation is compatible with statement; and procedural functions. However, note in the preamble that the method of '432 enables an OO Appl. to "interface" to a

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procedural OS. Therefore, again the functionality is considered the same.

c) executing in the computer the procedural function call to thereby cause the operating system to provide the service on behalf of the application.

See item (c) of claim 1.

2. The method of claim 1 in which an object-oriented class library includes related object-oriented classes having class methods for accessing services provided by the operating system using procedural function calls compatible with the native procedural interface of the operating system, wherein the object-oriented statement located in the application is defined by the class library,

See claims 2-4 of '432.

further comprising the step of storing in the memory component a code library comprising computer program logic implementing the object-oriented class library.

3. The method of claim 2, wherein step (b) comprises the steps of identifying one or more methods in the class library corresponding to the object-oriented statement, and copying the identified methods to a portion of virtual memory in the computer previously allocated to the application, and wherein step (c) comprises the step of executing the identified methods.

See claims 3-4 of '432.

The features of claim 6 are taught via claim 4 of '432; while, claim 9 is taught via claim 1 of '432.

3. Claims 4-5, and 7-8 are rejected under 35 USC 102(b) as anticipated by Orton et

al. (5,475,845).

Claims

4. An apparatus for enabling an object-oriented application to access in an object-oriented manner a procedural operating system having a native procedural interface, the apparatus comprising:

(a) a computer;

(b) a memory component in the computer;

(c) a code library, stored in the memory component, comprising computer program logic implementing an object-oriented class library,

the object-oriented class library comprising related object-oriented classes for enabling the application to access in an object-oriented manner services provided by the operating system,

the object-oriented classes comprising methods for accessing the operating system services using procedural function calls compatible with the native procedural interface of the operating system; and

(d) means, in the computer, for processing object-oriented statements contained in the application and defined by the class library by executing methods from the class library corresponding to the object-oriented statements.

5. The apparatus of claim 4, wherein

Orton ('845)

See claim 1 of '845.

See item (a) of claim 1.

See item (b) of claim 1.

See item (c) of claim 1.

These features are considered inherent parts of object-oriented systems that distinguish them from procedural systems. Therefore, the features are considered in '845.

“ “ “ “

See item (d) of claim 1.

See claim 2 of '845.

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the means for processing the object-oriented statements operates in the computer during run-time execution of the application.

As per claims 7-8, see the rejection of claim 4 above. In reference to the preamble of claim 8, see item (d) of '845 claim 1 (c1). Item (b) of claim 8 is taught via item (b) of '845 (c1). The features of claim 8 (b) are taught via items (c) and (d) of '845 (c1). While, the features of item (c) are taught via claim 2 of '845.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 571-3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Chavis
Primary Examiner AU-2124

Notice of References Cited

FEB 24 2005

TRADEMARK OFFICE

Application/Control No.

10/648,471

Applicant(s)/Patent Under
Reexamination
ORTON ET AL.

Examiner

John Chavis

Art Unit

2124

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,379,432	01-1995	Orton et al.	719/315
	B	US-5,475,845	12-1995	Orton et al.	719/328
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.